

Appln No. 09/732,978
Amdt date August 26, 2004
Reply to Office action of May 26, 2004

REMARKS/ARGUMENTS

Reconsideration of the application is respectfully requested. Currently claims 1, 2 and 4-16 are pending in the application. Claims 1, 4 and 11 have been amended.

Claims 1, 2, 5 and 9-12 have been rejected as allegedly obvious over the combination of four references, namely Hatcher, Wang, et al., Patterson, et al. and newly cited Herz. As the Examiner may recall in the previous Office action, the claims were rejected over the same cited combination, specifically Hatcher, Wang and Patterson. Applicant responded to this Office action by arguing that the claimed invention was not obvious on grounds of impermissible hindsight and the combination of non-analogous art. In response, in the present Office action, the Examiner is taking the position that these grounds are moot in light of the new grounds for rejection. Applicant believes the Examiner's new grounds for rejection are the addition of the fourth newly cited reference Herz. Herz has been cited as disclosing a display. Applicant respectfully submits that the previously submitted arguments are not moot, and the Examiner has failed to meet his burden of establishing unpatentability due to nonobviousness. Patterson is a reference directed to farming and irrigation and not to a remote-control system for a pool or spa as claimed.

In light of the Examiner's failure to establish his burden of proving unpatentability for nonobviousness, Applicant respectfully requests the withdrawal of the rejection and receipt of a Notice of Allowance. Should the Examiner continue

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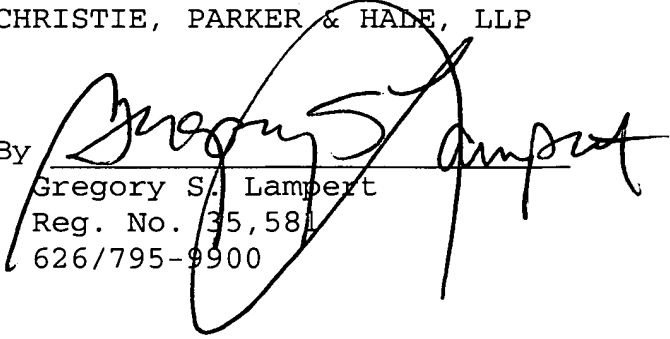
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in his position, Applicant respectfully requests a Final Rejection, so that these matters can be addressed on appeal.

Respectfully submitted,

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